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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	08/991,113
Filing Date	December 16, 1997
First Named Inventor	Algirdas A. Underys
Group A Unit	1742
Examiner Name	Wyszomierski
Attorney Docket Number	183-U.S.

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.52 (d) (PTOL § 8123) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000), Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 395.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	JAMES G. STAPLES	Registration No. (Attorney/Agent)	19,013
Signature	James G. Staples	Date	February 25 2005

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	
Signature	
Date	

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Attorney Docket 183-U.S.

(6c)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Algirdas A. Underys )  
Serial No.: 08/991,113 ) Group 1742  
Filing Date: December 16, 1997 ) Examiner Wyszomierski  
Title: Heat Treatment Method and )  
Apparatus )

The Honorable Commissioner  
of Patents and Trademarks  
Washington, DC 20231

LETTER ACCOMPANYING  
REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)

We transmit herewith form PTO/SB/30 (08-00) filled out to reflect a request for continued examination of application serial number 08/951,11, together with a 37 CFR §1.114 Submission.

Also enclosed is a check for \$395.00 - for filing fee, small entity.

The Examiner's attention is directed to the fact that an Amendment (which is a duplicate of the 114 Submission submitted herewith) and a Letter Transmitting A Balance Of 37 CFR 1.20(d) Fee were filed on or about February 4 in the application as it pended at

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the Board of Patent Appeals and Interferences.

The purpose of said Amendment and Letter were to place the application in condition for allowance when considered along with a terminal disclaimer which was filed on January 21, 2005, again while the application pended at the Board of Appeals.

The sole reason for the filing of this Request for Continued Examination is to maintain the application in a continually pending status so that the Examiner can enter the Amendment and the Letter mentioned above and the terminal disclaimer filed January 21, 2005, if it has not already been entered so that all issues will be resolved and the application unconditionally allowed.

The Examiner is respectfully requested to please contact us if any matter remains outstanding which would preclude prompt passage of the application to allowance.

Respectfully submitted,

A. FINKL & SONS CO.

  
James G. Staples  
Reg. 19013

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Enclosed are:

1. Request for Continued Examination;
2. 37 CFR §1.114 Submission
3. check no. 471128 of 2/18/05 for \$395 for RCE filing fee
4. Letter accompanying Request for RCE.

U.S. Patap 08/991,113  
Group 1742 - Examiner Wyszomierski  
Our Case 183-U.S.

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